THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 14th day of July, 2006

W.P.No.14951 of 2000

Between:

V. Sita Devi & others … Petitioners

and

Government of Andhra Pradesh, rep. by its Principal Secretary, Irrigation & Command Area Development Department, Secretariat, Hyderabad and others … Respondents

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ORAL ORDER:

This Writ Petition is filed seeking a Mandamus directing the respondents to implement G.O.Rt.No.1003, Irrigation and Command Area Development, dated 19-8-1998 issued by the 1st respondent.

It seems under the said Governmental Order, some recommendations were made for construction of Rockfill Dam on Thammileru near Lopudi village, Krishna District. The recommendation of the authority reads as under:

> "Construction of bed dam may be allowed restricting the top of dam to average bed level of Tammileru at Gullapudi supply channel point to stop the erosion of bed with top level at + 58.86 M i.e. av. B.L."

The grievance of the petitioners is that the said recommendation and the G.O. has not been implemented stating that there is some objection from the Ayacutdars. In the parawise-remarks received by the learned Government Pleader, it is stated that there are disputes between the Ayacutdars of upper riparian reaches and lower riparian reaches; therefore, the work has been stopped. The first phase work of providing Rockfill bed dam for a length of 40M from open head channel was started on 15-5-1998. The work was stopped on the objections raised by lower riparian ryots on 27-5-1988 itself and the matter was referred by the Government. The team headed by one M.Adbhutha Rao, Superintending Engineer, Investigation inspected

the site and submitted a report to the Government; basing on which, G.O.Rt.No.1003, dated 19-8-1998 was issued. In accordance with the said G.O., the work has already been commenced on 2-5-1999 and continued upto 5-5-1999. Again, the work was stopped as per the instructions of the 2nd respondent, due to the disputes between the parties on the issue. The issue is now being re-examined and any further action can be taken only after the issue is resolved.

In view of the above, the respondents are directed to resolve the disputes between the Ayacutdars and if there are no other legal hurdles or if G.O.Rt.No.1003, dated 19-8-1998 is not withdrawn, the said G.O. shall be implemented forthwith.

Accordingly, the Writ Petition is disposed of. No order as to costs.

14-7-2006

prk